

STANDARD APPLICATION
Harford County
Board of Appeals

Bel Air, Maryland 21014

HARFORD COUNTY COUNCIL

MAR 12 2004

Case No. 5412
 Date Filed 3-10-04
 Hearing Date _____
 Receipt _____
 Fee 450-

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
- ☐ Special Exception
- ☐ Use Variance
- ☐ Change/Extension of Non-Conforming Use
- ☐ Minor Area Variance
- ☐ Area Variance
- ☒ Variance from Requirements of the Code
- ☐ Zoning Map/Drafting Correction

CASE 5412 MAP 40 TYPE Variance

ELECTION DISTRICT 3 LOCATION 100 Calder Court, Forest Hill, Md. 21050

BY Barry and Giovanna Treherne

Appealed because a variance pursuant to Section 267-24B(1) of the Harford County Code to allow an existing 6 foot fence within the front yard in a R2 District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Barry + Giovanna Treherne Phone Number 410-893-3395
 Address 100 Calder Court Forest Hill, MD 21050
Street Number Street City State Zip Code

Co-Applicant n/a Phone Number _____
 Address _____
Street Number Street City State Zip Code

Contract Purchaser n/a Phone Number _____
 Address _____
Street Number Street City State Zip Code

Attorney/Representative n/a Phone Number _____
 Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 100 Calder Cliff Forest Hill, MD 21050

Subdivision Forest Lakes

Lot Number 764

Acreage/Lot Size 0.27 acre

Election District 03-09

Zoning R2

Tax Map No. 40 Block Grid No. 2D Parcel 321 Water/Sewer: Private _____ Public ☒

List ALL structures on property and current use: Home, Deck, Patio, In-ground Pool, Swing Set
All personal use.

Estimated time required to present case: 30 MIN.

If this Appeal is in reference to a Building Permit, state number 2003126B0100

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ☒

If so, what is the Critical Area Land Use designations: n/a

Is this request the result of a zoning enforcement investigation? Yes ☒ No _____

Is this request within one (1) mile of any incorporated town limits? Yes _____ No ☒

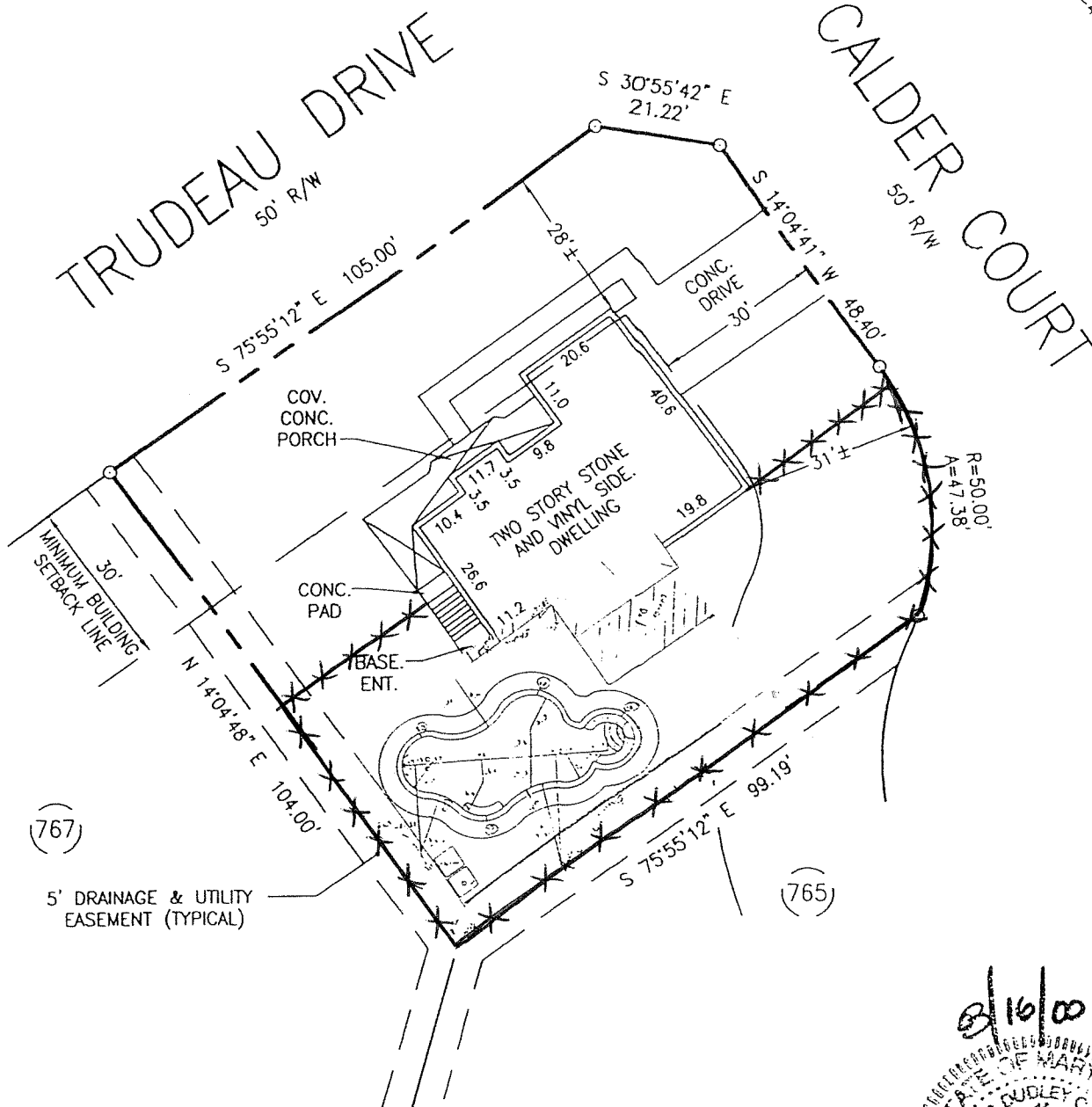
Request

Approval of existing 6 foot fence surrounding rear and side yard.

Justification

- (1) Unique property layout with 2 1/2 sides considered front yard
- (2) Safety - In-ground pool located on property
- (3) Privacy - for us and our neighbors
- (4) HUA approval received in March 2001
- (5) Financial hardship to erect a new fence.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)



3/16/00
STATE OF MARYLAND
CHARLES RUDLEY CAMPBELL
PROF. SURV.
REG. NO. 11111
[Signature]

THIS LOCATION DRAWING HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND BOARD OF PROFESSIONAL LAND SURVEYORS MINIMUM STANDARDS OF PRACTICE. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING; IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS; IT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING; THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THERE ARE NO ENCROACHMENTS ON ANY ADJOINING PREMISES, STREETS, OR ALLEYS AND NO ENCROACHMENTS OF ANY BUILDINGS, STRUCTURES, OR ANY OTHER IMPROVEMENTS SITUATED ON ADJOINING PROPERTIES, EXCEPT AS SHOWN OR NOTED HEREON; THAT THE LOT SHOWN HEREON IS WITHIN ZONE(S) X AS SHOWN ON THE F.I.R.M. MAP 24025C00134 D DATED 1-7-00; THAT NO TITLE SEARCH WAS PROVIDED FOR THIS CERTIFICATION; THAT THIS SURVEY IS VOID UNLESS ORIGINAL SEAL, SIGNATURE, AND DATE APPEAR HEREON. DIMENSIONS AS SHOWN, ARE WITHIN A TOLERANCE OF 2



PROPERTY MANAGEMENT, INC.

MANAGERS OF CONDOMINIUMS, HOMEOWNER
ASSOCIATIONS, & COMMUNITY ASSOCIATIONS

March 27, 2001

Giovanna Treherne
100 Calder Court
Forest Hill, MD 21050

Subject: Forest Lakes Homeowners
Association, Inc.
Architectural Review
Submittal: Fence

Dear Ms. Treherene:

The Design Review Board has approved your plans as submitted for a fence. Please note all County permits, approvals, and setbacks are the responsibility of the homeowners.

I hope that your new addition affords you many years of enjoyment. Should you require any further information concerning this matter, please do not hesitate to contact me.

Very truly yours,

MRA Property Management, Inc.

Mary Harting, Property Manager
Agent for Forest Lakes

MH/eng

cc: Board File
Architectural Review File



PROPOSAL
A.G.I. FENCE COMPANY

(410) 638-7834

Bel Air, MD

(410) 638-7835 (Fax)

PROPOSAL SUBMITTED TO:

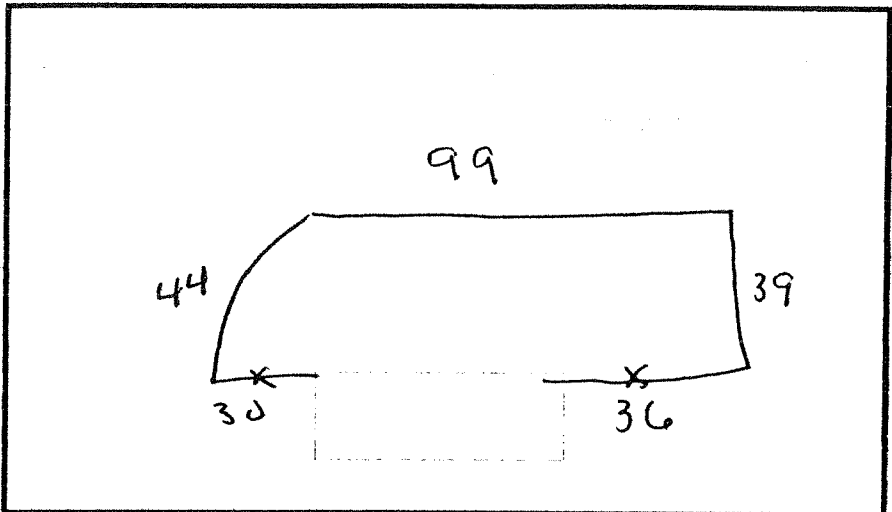
FENCE DESIGN - LAYOUT - FORMAT

TREHERNE
BARRY & GIOVANNA
100 CALDER CT
FOREST HILL MD 21050
410 893-3395

SPECIFICATIONS AND ESTIMATE

FOR - PROPOSED WORK -

AGI proposes to furnish all materials and labor to comply with the forgoing construction project proposed at the above address. Fence is to be installed in compliance with industry standards.



STYLE OF FENCE: DOG EARED PICKET HEIGHT: 6'
FOOTAGE: 248 (Linear feet)

POSTS: ☒ Pressure Treated Yellow Pine ☐ Cedar Size: _____

FRAMING: ☒ Pressure Treated Yellow Pine ☒ Cedar GATE
Number of Runners: 3 per panel.

OTHER SPECIFICATIONS

Custom Gate 1. 48"
2. 48"
3. X

Cap Boards - Pressure Treated Yellow Pine-

Picket Style D/E 6"

Gate Hardware: Tee Hinge Galvanized

Gate Locking Mechanism: ☒ Slide ☒ Thumb

All posts to be set in 40 lbs of concrete approximately 24" to 30" in the ground (site conditions permitting).

AGI hereby proposes to furnish labor and materials in accordance with the above specifications for the sum of \$ 4795⁰⁰ Payment to be made as follows:

X deposit with order, balance of \$ 4795⁰⁰ due on completion.

This fence work is guaranteed against defects in materials and workmanship for one year. Fence to be installed in compliance with industry standards. Customer is responsible for locating and determining property lines. Fence lines are to be clear of any and all obstructions. AGI can assist in locating qualified surveyors. Any changes to the above fence specifications may cause an extra charge above the original costs. Customer is responsible backfilling under fence where necessary and obtaining permits where applicable. AGI is responsible for contacting Ms. Utility to locate and mark underground utilities prior to work starting. All materials remain the property of AGI until the contract is paid in full. Customer agrees to pay all collection costs, including reasonable attorney fees and court costs. All Home Improvement Contractors and Subcontractors must be licensed by the Home Improvement Commission

(410) 333-6309.

AGI FENCE COMPANY - DONALD F. HENSLEY - MHIC # 71405

JAMES M. HARKINS

HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION

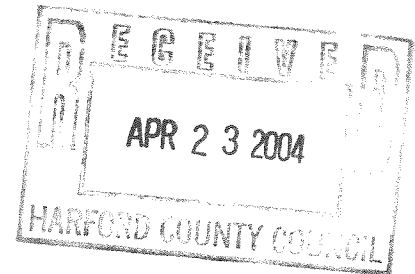


J. STEVEN KAH-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

April 22 2004



STAFF REPORT

BOARD OF APPEALS CASE NO. 5412

APPLICANT/OWNER: Barry and Giovanna Treherne
100 Calder Court, Forest Hill, Maryland 21050

REPRESENTATIVE: Applicants

LOCATION: 100 Calder Court/Forest Lakes
Tax Map: 40 / Grid: 2D / Parcel: 321 / Lot: 766
Election District: Third (3)

ACREAGE: 0.27 acres

ZONING: R2/Urban Residential District

DATE FILED: March 10, 2004

HEARING DATE: May 5, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

Request:

"Approval of existing 6-foot fence surrounding rear and side yard."

Justification:

1. "Unique property layout with 2 ½ sides considered front yard."
2. "Safety – Inground pool located on property."

Preserving our values, protecting our future

STAFF REPORT

Board of Appeals Case Number 5412

Barry & Giovanna Treherne

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3. "Privacy – for us and our neighbors."
4. "HOA approval received in March 2001."
5. "Financial hardship to erect a new fence."

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-24B(1) of the Harford County Code, to allow an existing 6-foot fence within the front yard setback in an R2/Urban Residential District.

Section 267-24B of the Harford County Code reads:

- (1) Front yards. For single-family detached units, walls and fences shall not exceed four feet in height above ground elevation. Where fences and walls are an integral part of the unit design and are applied in a consistent and coordinated pattern throughout the project, fences and walls may be constructed to a maximum of six feet above ground elevation. For continuing care retirement communities, consistent and coordinated fencing or walls may be constructed to a maximum of eight feet above ground elevation provided strategically located gates are provided for emergency access.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located between Bel Air and Forest Hill, off the west side of Rocks Spring Road (MD Route 24) in the development of Forest Lakes. The lot is situated on the southwest corner of Trudeau Drive and Calder Court. The house faces Trudeau Drive. A location map and a copy of the Applicants' site plan are enclosed (Attachments 1 and 2).

The land use designations in this area include Low, Medium and High Intensity. The Natural Features Map reflects stream buffer systems. The subject property is designated as Medium Intensity, which is defined by the 1996 Master Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 3 and 4).

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Land Use – Existing:

The existing land uses conform to the intent of the 1996 Master Plan. Residential uses include single-family dwellings, townhouses, condominiums and apartments. Commercial uses include individual retail and service uses along Route 24. Enclosed with the report is a copy of the aerial photograph (Attachment 5).

The subject lot is located in the single-family development of Forest Lakes. It is a corner lot with frontage on Trudeau Drive and Calder Court and is approximately 0.27 acres in size. While the dwelling faces Trudeau Drive, the driveway and address is from Calder Court. Calder Court is a short cul-de-sac containing approximately six lots. The Applicants' lot begins to curve in at approximately the middle of the road frontage on Calder Court, where it starts to form the bubble portion of the cul-de-sac. The lot is subject to two front yard setbacks. Because of the curve in the road, the front yard setback encroaches into a portion of the rear yard (see site plan – Attachment 2). The topography of the property is basically level to gently sloping. Improvements consist of a two-story stone and frame single-family dwelling with attached two-car garage. Other improvements include a concrete driveway, 6-foot board-on-board fence around the rear portion of the dwelling, an in-ground pool, children's play equipment and a deck on the rear of the dwelling. The property is nicely landscaped and all improvements appear to be well maintained. Enclosed with the report are site photographs, an enlargement of the aerial photograph and a topography map (Attachments 6, 7 and 8)

Zoning:

The zoning classifications in this area are consistent with the 1996 Master Plan. Residential zoning includes R1, R2 and R3/Urban Residential. Commercial zoned properties include B1 and B2/Community Business Districts. The subject property is zoned R2 and was developed under the Conventional with Open Space (R2/COS) standard. Enclosed with the report is a copy of the Zoning Map (Attachment 9).

Zoning Enforcement:

The subject request is the result of a Zoning Enforcement Investigation. A complaint was received on October 1, 2003 that a 6-foot fence had been constructed within the front yard setback. A site inspection was conducted on October 2, 2003 that revealed a 6-foot privacy fence had in fact been constructed within a portion of the front yard setback. The fence was not constructed as shown on the site plan with the fence permit 03333126B0100, which was for an in-ground pool and a 4-foot fence. Enclosed with the report are copies from the Enforcement file for informational purposes (Attachment 10).

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SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-24B(1) of the Harford County Code, to allow an existing 6-foot fence within the front yard setback in an R2/Urban Residential District.

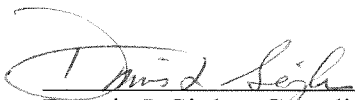
Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.


This Department finds that the property is unique. The lot is a corner lot and subject to two front yard setbacks. In addition, Calder Court is a very short cul-de-sac with the beginning of the bubble of the cul-de-sac starting approximately in the middle of the lot's frontage on Calder Court. The front yard setback line cuts deep into the area to the rear of the dwelling, making approximately half of this area subject to a front yard setback. This is unique and not typical of corner lots in this development and elsewhere around the County. The portion of the fence that is within the front yard setback is located far enough back from the intersection of Trudeau Drive and Calder Court that sight distance should not be an issue.

The Applicants have submitted letters from nine of their neighbors that indicate that they do not have a problem or take issue with the request (Attachment 11). The Applicants also submitted a letter from the Forest Lakes Homeowner's Association approving the fence (Attachment 12).

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the Applicants amending the existing permit to accurately reflect the height of the fence.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka